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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,821	10/19/2001	Kazunori Kato	862.C2410	7593

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EXAMINER

NOLAN JR, CHARLES H

ART UNIT PAPER NUMBER

2854

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/981,821

Applicant(s)

KATO, KAZUNORI

Examiner

Charles H Nolan, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) 1-19 and 39-59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Claims 20-38 in Paper No. 6 is acknowledged.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 20-24,26-28-34,35-38 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Morita (5,881,212).

With respect to Claims 20,23,30,38, Morita teaches the recognition step in figure 8 @ S807 and the decision step of deciding other printers based on the ejection type in column 1, lines 49-52. With respect to Claim 21, Morita teaches the distributed print job in figures 4-5. With respect to Claim 22,24, Morita teaches the acknowledging step S402 on the front-page diagram. With respect to Claim 26, Morita teaches the face up or face down printers on the front-page diagram at S404. With respect to Claim 27, Morita teaches the ascending or descending order in column 3, lines 50-53. With respect to Claim 28, Morita teaches the decision step and status in figures 8-9. With respect to Claims 31,33, Morita teaches the determination of the face up or down output and printing of at least part of the distributed print job in figures 5-6. With respect to Claim 36, Morita teaches the printing of the remaining pages of the print job by the

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other printer in figures 8-9. With respect to Claim 37, Morita teaches the abnormal (error) state as the depletion of paper in column 1, line 26. With respect to Claim 34, Morita teaches the final (last) page determination step in column 5, lines 54-57. With respect to Claim 32, Morita teaches the first page determination step in column 5, lines 43-49.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25,29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morita in view of Kageyama et al. (5,625,757).

With respect to Claim 29, Morita teaches all the claim limitations except for the predetermined printer being a printer having no distributed job has been assigned.

Kageyama teaches the predetermined printer being a printer having no distributed job has been assigned on the front page diagram @18-2 and the Abstract. The motivation to combine the references is that each invention has the same endeavor of error recovery in a distributed printing system. It would have been obvious to one of ordinary skill in the art to use a printer to which no distributed job had been assigned so as to "[reduce] the troublesness such that the user restarts an application program on the client and instructs the reprinting is made unnecessary and the burden on the user is decreased" as taught by Kageyama in column 17, lines 21-24. With respect to Claim 25,

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Morita teaches all the claim limitations except for the printer driver. Kageyama teaches the printer driver in column 18, lines 1-8. The motivation to combine the references is that each invention has the same endeavor of error recovery in a distributed printing system. It would have been obvious to one of ordinary skill in the art to incorporate the printer driver of Kageyama into the invention of Morita because these drivers allow for the automatic control of the printer.

6. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morita. With respect to Claim 35, the difference between Morita and this claim is that Claim 35 requires that the other printer print all the distributed job of one printer. However, given that Morita teaches the printing of some of the distributed job of the one printer, it would have been obvious to one of ordinary skill in the art to complete the entire job on the other printer for throughput efficiency.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles H Nolan, Jr. whose telephone number is 703-308-0961. The examiner can normally be reached on Monday through Thursday 8:00 AM to 6:30 PM.

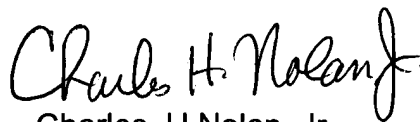
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 703-305-6619. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Charles H Nolan, Jr.

Examiner

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CHN